

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

19-CR-1991 JB

ANTONIO CARRILLO,

Defendant.

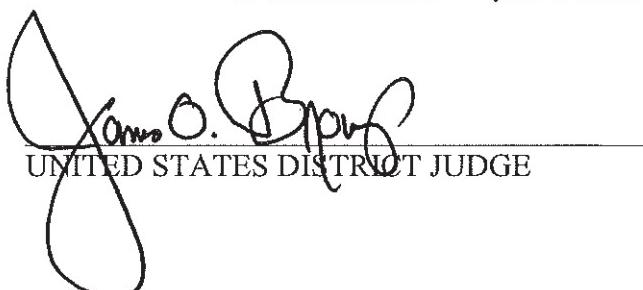
**ORDER GRANTING UNOPPOSED MOTION TO CONTINUE NOVEMBER 18, 2019
TRIAL SETTING AND EXTEND MOTIONS DEADLINE**

This matter is before the Court on Defendant's Unopposed Motion to Continue November 18, 2019 Trial Setting and Extend Motions Deadline (Doc. 41). There being good cause shown by the Parties and there being no objection by the government, the Court finds the motion is well-taken and should be granted. The Court notes that Defendant's Attorney, Marshall J. Ray was appointed on November 7, 2019, with trial set for eleven days later, on November 18, 2019. Defense counsel has represented that he has not yet received a working copy of discovery given his recency in the case, and requires time to receive and review the discovery, evaluate motions, and prepare for trial. Defense counsel has pointed out that this case does not involve a complex factual record but implicates legal issues because of the nature of the charges. The Court therefore finds that a continuance is necessary to permit the preparation of a constitutionally adequate defense.

The court finds that the ends of justice and the public interest will be served by granting this extension of time in which to file motions and a continuance of the trial. *See United States v. Hernandez-Mejia*, 406 Fed. App'x. 330, 338 (10th Cir. 2011) ("The Speedy Trial Act was intended

not only to protect the interests of defendants, but was also ‘designed with the public interest firmly in mind.’”) (quoting *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009)). This order is not predicated upon the congestion of the Court’s docket. *See United States v. Hernandez-Mejia*, 406 Fed. App’x. 330, 338 (10th Cir. 2011) (“The Speedy Trial Act was intended not only to protect the interests of defendants, but was also ‘designed with the public interest in mind.’”) (quoting *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009)).

IT IS THEREFORE ORDERED that the jury trial in this matter currently scheduled for November 18, 2019 is continued and will be rescheduled for December 2, 2019 at 9:00 a.m.



James O. Borch
UNITED STATES DISTRICT JUDGE

Submitted by:

/s/ Marshall J. Ray, Attorney at Law
Marshall J. Ray

Attorneys for Defendant Antonio Carrillo

Approved by:

Via e-mail on November 13, 2019
Jack Burkhead

Attorney for the United States

After weighing the best interests of the public and of the Defendant with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendant for the reasons stated in the motion requesting a continuance, filed November 13, 2019 (Doc. 41). Specifically, continuing disclosure and investigation of discovery outweighs the Defendant's and the public's interest in a speedy trial. See 18 U.S.C. Section 3161(h)(7). The pretrial motion deadline is November 25, 2019. The Court will set the trial for December 2, 2019 at 9:00 a.m. (trailing docket). This 14-day continuance is sufficient, without being greater than necessary, for the Defendant to complete the tasks set forth in the motion to continue.

On the 14th record
before the Ct., Lawyer, etc.
It is not correct that it
should continue till 45
days.

11/15/19

11/15/2019

If the Dft needs
a week more time,
he must justify
in detail, said addl
day sought.

11/15/19